IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19761 of 2004

Between:

Pochampally Handloom Weavers Co.Op.Society Ltd.,

rep. by its President Sri Karnati Krishna,
Pochampally, Nalgonda District.

..... PETITIONER

AND

1 The Labour Court-III,

rep. by its Presiding Officer,

Hyderabad.
2 Sri K. Balaji,

C/o. P. Vittal Rao,
Plot No. 8, block No.38, APHB (MIG-II),

Baghlingampally, Hyderabad-44.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in nature of writ of Certiorari by calling for the records in I.A.No.2/2002 in I.A.No.129/2000 in M.P.No.11/1999 on the file of the 1st respondent, and quash the same and consequently direct the 1st respondent to restore the I.A.No.2/2002 in I.A.No.129/2000 in M.P.No.11/1999.

Counsel for the Petitioner: Mr. V.VISWANATHAM

Counsel for the Respondents: GP FOR LABOUR

The Court at the admission stage made the following ORDER:

The 1st respondent passed the impugned order in I.A.No. 2 of 2002 in I.A.No.129 of 2000 in M.P.No.11 of 1999 by dismissing the said application on the ground that this Court granted stay of all further proceedings through its order dated 10-8-2001 in W.P.M.P.No.663 of 2001 in W.P.No.20692 of 2000.

After perusal of the record, it is noticed that the prayer in the said Writ Petition was to stay all the further proceedings of the recovery of the amount awarded by the 1st respondent, but not the further proceedings in I.A.No.129 of 2000. Therefore, the order of this Court dated 10-8-2001 will not operate as a bar for the petitioner to make an application for setting aside the *ex parte* order of the 1st respondent dated 19-4-2001 and for filing an application for condonation of delay in filing the said application. The 1st respondent was of the impression that the stay order granted by this Court operates regarding the entertainment of those applications also.

It is therefore, clarified that the order granted by this Court was only regarding the stay of further proceedings for recovery of the amount awarded by the 1st respondent through the *ex parte* order dated 19-4-2001. The order of the 1st respondent is therefore set aside. The 1st respondent is directed to restore the said I.A.No.2 of 2002 to its original file and, after giving opportunity to both the parties, pass appropriate orders on the said application according to law.

Accordingly, the Writ Petition is disposed of.

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(Dr. G.YETHIRAJULU,J)

28th October, 2004.

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To

1 The Presiding Officer,

Labour Court-III,

Hyderabad.

2 Two CCs to the GP for Labour, High Court of A.P.,

Hyderabad (O.U.T.)

3 Two CD Copies.